

Fiscal Services Division

Legislative Services Agency

Fiscal Note

HF 2692 - Deferred Judgment Civil Penalties (LSB 6541 HV)

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Fiscal Note Version - New

Description

House File 2692 allows the Judicial Branch to assess a civil penalty when a person receives a deferred judgment of an amount that does not exceed the amount of any criminal fine authorized by law.

Background

The 2005 General Assembly passed HF 682 (Deferred Judgment, Civil Penalty), which required a civil penalty be assessed against individuals with deferred judgments. House File 2692 provides for judicial discretion in the assessment of a civil penalty on a deferred judgment.

Assumptions

1. The law will become effective July 1, 2006. A lag effect of six months is assumed, from the law's effective date to the date of the first entry of affected offenders into the correctional system (to allow for court case processing time).
2. In calendar year 2005, there were 11,149 deferred judgments.
3. Since July 1, 2005, there have been 2,658 deferred judgment cases with civil fines imposed. The total amount imposed is \$1.4 million and the total amount collected is \$338,000 (24.1% collection rate).

Correctional Impact

It is uncertain what effect this Bill will have on the imposition of civil fines, but it is anticipated the number of deferred judgment cases with a civil fine imposed will most likely decrease.

Fiscal Impact

The revenue generated from the imposition of the civil fine will most likely decrease; however, the amount cannot be determined.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division (CJJPD)
Judicial Branch

/s/ Holly M. Lyons

March 8, 2006

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
